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L. A. Bill No. 38 of 1963.

NOTIFICATION

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The following Bill together with the Statement of Objects and Reasons, is published under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

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(L. A. Bill No. 38 of 1963)

THE NURSES AND MIDWIVES (AMENDMENT) BILL, 1963

A

BILL

further to amend the Nurses and Midwives Act, 1953.

Preamble.—WHEREAS it is expedient further to amend the Nurses and Midwives Act, 1953, for the purposes hereinafter appearing;

BE it enacted in the Fourteenth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Nurses and Midwives (Amendment) Act, 1963.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. **Amendment of preamble.**—In the preamble to the Nurses and Midwives Act, 1953 (Act X of 1953) hereinafter referred to as the principal Act, for the words "nurses and midwives" the words, "nurses, midwives, health visitors and auxiliary nurse-midwives" shall be substituted.

3. **Amendment of section 2.**—In section 2 of the principal Act, for clause (f), the following clause shall be substituted, namely:—

"(f) "Register" means the register of nurses or the register of midwives or the register of auxiliary nurse-midwives or the register of health visitors or the register of dhais maintained under this Act, and "registered" means registered or deemed to be registered under this Act;";

4. **Amendment of section 3.**—In section 3 of the principal Act, in sub-section 2,—

(i) in clause (a) after the words "Medical College, Kozhikode" the words "the Professor of Gynaecology, Medical College, Kottayam, the Superintendent of Nursing Services or the Assistant Director of Health Services (Nursing)," shall be inserted;

(ii) for clause (e), the following clause shall be substituted, namely:—

"(e) three members elected by the registered midwives of whom two shall be from among the midwives registered in Part A of the register of midwives and one from among the auxiliary nurse-midwives registered under this Act;"

(iii) after clause (e) the following clauses shall be inserted, namely:—

"(f) one member elected by the members of the Trained Nurses Association of India registered in the State from among themselves;

(g) one member elected by the registered health visitors from among the health visitors registered in the register of health visitors.".

5. **Amendment of section 4.**—In section 4 of the principal Act,—

(i) for the words, brackets and letters "clauses (b); (d) and (e)" in both places where they occur, the words, brackts and letters "clauses (b), (d), (e), (f) and (g), as the case may be", shall be substituted;

(ii) for the words "registered nurse or registered midwife" in both places where they occur, the words "registered nurse, registered midwife, registered auxiliary nurse-midwife or registered health visitor" shall be substituted.

6. **Amendment of section 15.**—In section 15 of the principal Act, in sub-section (4), for the words "Five members" the words "Seven members" shall be substituted.

7. **Amendment of section 18.**—In section 18 of the principal Act,—

(i) in sub-section (2),—

(a) for the words "nurses and midwives" the words "nurses, midwives, auxiliary nurse-midwives and health visitors" shall be substituted;

(b) for the words "nurses or midwives", in both places where they occur, the words "nurses, midwives, auxiliary nurse-midwives, or health visitors", shall be substituted;

(ii) in sub-section (3), for the words "nurses, midwives and dhais", the words "nurses, midwives, auxiliary nurse-midwives, health visitors and dhais" shall be substituted.

8. **Amendment of section 20.**—In section 20 of the principal Act, in sub-section (1)—

(i) in clause (i), for the words "nurse or midwife", the words "nurse , midwife, auxiliary nurse-midwife or health visitor" shall be substituted;

(ii) for clause (ii), the following clause shall be substituted namely:—

"(ii) every person who, within the period of one year or such other longer period as may be fixed by the Government, from the date of commencement of the Nurses and Midwives (Amendment) Act, 1963, proves that he had been in regular practice as a nurse or midwife, for a period of not less than three years preceding the first day of April, 1963, shall be eligible for registration under this Act:

Provided that no nurse or midwife, shall be registered under clause (ii) after the expiration of one year or such other longer period as may be fixed by the Government from the date on which the Nurses and Midwives (Amendment) Act, 1963, comes into force.".

9. **Amendment of section 21.**—In section 21 of the principal Act, in sub-section (1), the words "in the case of nurses and rupees five in the case of midwives", shall be omitted.

10. **Amendment of section 22.**—In section 22 of the principal Act, for the words "nurse or midwife", in both places where they occur the words "nurse, midwife, auxiliary nurse-midwife or health visitor" shall be substituted.

11. **Amendment of section 25.**—In section 25 of the principal Act,—

(i) in sub-section (1), for the words "nurses, midwives and dhais," the words "nurses, midwives, auxiliary nurse-midwives, health visitors and dhais", shall be substituted;

(ii) in sub-section (2), for the words "nurses, midwives and dhais", the words "nurses, midwives, auxiliary nurse-midwives, health visitors and dhais", shall be substituted.

(iii) in sub-section (3) for the words "registered dhai" in both places where they occur, the words "registered auxiliary nurse-midwife or registered health visitor or registered dhai" shall be substituted.

12. **Amendment of section 26.**—In section 26 of the principal Act, in sub-section (1), after the word "midwives", the words "auxiliary nurse-midwives and health visitors" shall be inserted.

13. **Amendment of section 27.**—In section 27 of the principal Act, for the words, "nurses and midwives", the words "nurses, midwives, auxiliary nurse-midwives and health visitors" shall be substituted.

14. **Amendment of section 28.**—In section 28 of the principal Act, in sub-section (1), for the words "nurses, midwives, and dhais", the words "nurses, midwives, auxiliary nurse-midwives, health visitors and dhais" shall be substituted.

15. **Amendment of section 29.**—In section 29 of the principal Act,—

(i) in sub-section (1), for the words "nurse or midwife", the words "nurse, midwife, auxiliary nurse-midwife or health visitor" shall be substituted;

(ii) in sub-section (2), for the words "nurse or midwife", the words "nurse, midwife, auxiliary nurse-midwife or health visitor" shall be substituted.

(iii) in sub-section (3), for the words "nurse or midwife", the words "nurse, midwife, auxiliary nurse-midwife or health visitor" shall be substituted".

16. **Amendment of section 30.**—In section 30 of the principal Act, in sub-section (1), for the words "nurse, midwife or dhai", in both places where they occur, the words "nurse, midwife, auxiliary nurse-midwife, health visitor or dhai" shall be substituted.

17. **Amendment of section 32.**—In section 32 of the principal Act, in sub-section (1), for the words "nurse, midwife or dhai", in both places where they occur, the words "nurse, midwife, auxiliary nurse-midwife, health visitor or dhai" shall be substituted.

18. **Amendment of section 33.**—In section 33 of the principal Act, for the words "registered nurse, midwife or dhai" wherever they occur, the words "registered nurse, midwife, auxiliary nurse-midwife, health visitor or dhai" shall be substituted.

19. **Amendment of section 34.**—In section 34 of the principal Act, for the words "nurse, midwife or dhai", the words "nurse, midwife, auxiliary nurse-midwife, health visitor or dhai" shall be substituted.

20. **Insertion of new section 34A.**—After section 34 of the principal Act, the following section shall be inserted, namely:—

"34A. **Prohibition of unauthorised conferment.**—

(1) Save as provided in this Act or the rules or bye-laws made thereunder, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise the profession of a registered nurse, midwife, auxiliary nurse-midwife, health visitor or dhai;

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees; and if the person so contravening is an association, every member of such association who knowingly and wilfully authorises or permits the contravention, shall be punishable with fine which may extend to five hundred rupees.".

21. **Amendment of section 35.**—In section 35 of the principal Act, in clause (k) of sub-section (2), for the words, "nurses, midwives, and dhais", the words "nurses, midwives, auxiliary nurse-midwives, health visitors and dhais" shall be substituted.

22. **Amendment of section 40A.**—In section 40A of the principal Act,—

(i) in the marginal note, for the words "Nurses and Midwives", the words "Nurses, Midwives, Auxiliary Nurse-Midwives and Health Visitors" shall be substituted;

(ii) in sub-section (2), for the words "nurses and midwives" the words "nurses, midwives, auxiliary nurse-midwives and health visitors" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Nurses and Midwives Act, 1953 as amended by the Travancore-Cochin Nurses and Midwives (Amendment) Act, 1960 for the recognition and registration of Auxiliary Nurse-Midwives and Health Visitors. There is also no provision in the Act for the representation of the members of the Trained Nurses Association of India, Health Visitors and Auxiliary Nurse-Midwives in the Council as also for the prohibition of issue of certificates and entering of names by unregistered institutions. It would therefore be appropriate to make suitable amendments in the Nureses and Midwives Act, 1953 to incorporate provisions for the above purpose. The Bill is intended to achieve the above objects.

M. P. GOVINDAN NAIR.